S.B. CIVIL WRIT PETITION NO.1701/2007.

Puna Devi and anr.
Vs.
Additional Collector (Ist) Jaipur and ors.

Date of order : 17/4/2007.

HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Amit Gupta for the petitioners.

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Heard learned counsel for the petitioners.

The petitioners have challenged the order of the Additional Collector (Ist) Jaipur dated 20/10/2006 whereby the revision petition filed by the petitioners challenging the patta dated 28/2/1990 and 17/5/1990, respectively issued in favour of respondents No.2 to 5 was dismissed.

Learned counsel for the petitioners argued that the application submitted by the respondents for

allotment were not in conformity with the rules because no description of the land was given inasmuch as, the inspection report which was made by the three panchas, there were signatories of only two panchas. It was argued that the impugned pattas were issued with reference to Rule 266 of the Rajasthan Panchayati Raj (General) Rules 1961 and such pattas could be issued only after putting the land to auction. It was submitted that part of land of which pattas have been issued to the respondents is in front of the land of the petitioners which are in their possession since times immemorial.

Having heard learned counsel for the petitioners and perusing the order passed by the Additional Collector (Ist), Jaipur, I find that the Additional Collector considered all these arguments in the light of

the record and ground situation. It has been noted therein that even though inspection report contains signatures of two panchs instead of three, but the other rules appear to have been followed inasmuch as, after inspection, objections were also invited and when no objections were received, the allotments were made. The Additional Collector observed that the petitioners themselves encroached upon the land of the Gram Panchayat and their encroachment exist on the public road. Reference in this connection has been made to the resolution of the Gram Panchayat dated 20/5/2006. It has been observed that minor irregularities in the allotment of land and in issuance of pattas wayback in 1990 cannot be allowed to be challenged in the revision petition filed with enormously delayed in the year 2005.

On perusal of the rules, I find that even if the

pattas made in reference to Rule 266 where allotment of land can always be made by putting the land in auction but it can be by private negotiations. Besides, as rightly held by the Additional Collector that all these issues could not be examined after enormous delay of 15 years and that too at the instance of someone whose own bonafides are suspects being encroacher upon the public road. I, therefore, do not find any merit in this petition. The same is therefore dismissed summarily.

(MOHAMMAD RAFIQ), J.

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